

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 01-144
Table of Allotments,)	RM-10406
FM Broadcast Stations.)	RM-10340
(Snyder, Littlefield, Wolfforth, and)	
Floydada, Texas and Hobbs, New Mexico) ¹)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 23, 2002

Released: November 8, 2002

By the Assistant Chief, Audio Division:

1. In response to a Petition for Rule Making filed by Charles Crawford ("Crawford"), the Audio Division has before it for consideration the *Notice of Proposed Rule Making*,² requesting the allotment of Channel 237C3 at Snyder, Texas. Crawford and Powell Meredith Communications Company filed supporting comments. 21st Century Radio Venture, Inc., licensee of Station KAIQ, Littlefield, Texas, and Littlefield Broadcasting, LLC, proposed assignee of Station KAIQ, filed a counterproposal ("Joint Parties").³ Littlefield Broadcasting, LLC ("Littlefield Broadcasting") filed reply comments, notifying the Commission that Littlefield Broadcasting has become the licensee of Station KAIQ, and requesting that the Commission take notice of this change.⁴

2. The counterproposal filed by Joint Parties requested the substitution of Channel 238C1 for Channel 238C3 at Littlefield, Texas, the reallocation of Channel 238C1 from Littlefield, Texas, to Wolfforth, Texas, and the modification of the license for Station KAIQ to reflect the higher class channel and new community pursuant to Section 1.420(i) of the Commission's Rules.⁵ In support of its proposal, Joint Parties state that

¹ The communities of Littlefield, Wolfforth, Floydada, Texas, and Hobbs, New Mexico, have been added to the caption.

² *Snyder, Texas*, 16 FCC Rcd 13167 (MM 2001)

³ The counterproposal was given public notice on December 6, 2001, Report No. 2518 (RM-10340).

⁴ The application for assignment of license, File No. BALH-2001067AAQ, was granted on July 24, 2001.

⁵ See *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990), ("Change of Community").

reallotment of Station KAIQ will provide a first local service to Wolfforth while not depriving Littlefield of its sole local service. Joint Parties also state that its proposal provides a gain in service to 238,081 people. Joint Parties indicate a loss of service to 2,086 people but state that the loss area is considered to be well served. To accommodate the reallotment of Station KAIQ from Littlefield to Wolfforth, Joint Parties have requested changes at Floydada, Texas, and Hobbs, New Mexico. Joint Parties have proposed the substitution of Channel 291C3 for Channel 237A at Floydada and modification of the license for Station KFLP accordingly.⁶ Joint Parties have further requested a site change for Station KPER, Channel 239C3, Hobbs, New Mexico. The Joint Parties have entered into agreements with both licensees regarding the changes, and the licensees have provided consent statements for the proposed changes. To avoid the necessity of a comparison of the initial proposal for Snyder and the counterproposal for Wolfforth, Joint Parties have proposed the allotment of Channel 235C3 at Snyder, Texas, in lieu of Channel 237C3.

3. In the *Change of Community Order*, the Commission expressed its concern with the potential migration of stations from rural areas to urban areas. The Commission relies on criteria established in *Faye and Richard Tuck*⁷ to determine whether a community should be awarded a first local service preference.⁸ Commission studies show that the 70 dBu contour of Channel 238C1 at Wolfforth will cover more than 50% of the Lubbock, Texas Urbanized Area. In anticipation of Commission concerns, Joint Parties provided a showing demonstrating that Wolfforth is independent of the Lubbock, Texas Urbanized Area and is entitled to the allotment of a first local service.⁹ The community of Littlefield will continue to receive local service from “unlimited” time Station KZZN(AM). The Commission analysis shows that the reallotment of Station KAIQ from Littlefield to Wolfforth will provide service to 108,331 people. Our analysis further shows that there will be no loss in service with a first full-time reception service provided to a large sparsely populated area.

⁶ Anthony L. Ricketts, Licensee of Station KFLP, Floydada, Texas, was granted a license to cover its construction permit, BPH-20001221ABY, modifying its license to specify operation on Channel 291C3 in lieu of Channel 237A, BLH-20010824AAK.

⁷ *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

⁸ The criteria are as follows: (1) signal population coverage; (2) the size of the suburban community relative to the adjacent city; and (3) the interdependence of the suburban community with the central city.

⁹ Joint Parties provided the following information supporting independence for Wolfforth from the Lubbock, Texas Urbanized Area. Wolfforth has numerous local businesses which include banks, grocery stores, farm equipment stores, trucking and hauling companies, child care facilities and Industrial Maintenance, a supplier of paper products. Many residents are employed by local businesses. Wolfforth has its own local government and elected officials. Wolfforth provides city services to its residents which include water, trash collection, sanitation services, and the Public Works Department maintains city parks. Wolfforth has its own zip code (79382), post office and separate government listings in a local telephone directory. The local telephone company maintains a separate telephone directory for Wolfforth and surrounding communities that excludes Lubbock. Wolfforth has its own Health Center and an assisted living facility for elderly residents. There are numerous civic organizations which include the Lions Clubs, Chamber of Commerce, the Masons and Boy and Girl Scout troupes. Wolfforth has six churches which identify the city in their name. Wolfforth has a public library, its own school system, police and fire departments.

4. Based on the information presented in this proceeding, we believe the public interest would be served by substituting Channel 238C1 for Channel 238C3 at Littlefield, Texas, and reallocating Channel 238C1 to Wolfforth, Texas, since it would result in a preferential arrangement of allotments, would enable Station KAIQ to upgrade its facilities, and would not cause the removal of Littlefield's sole local aural service as Station KZZN(AM) remains licensed to the community. The proposed arrangement of allotments is preferable to the existing arrangement as it triggers priority (3), resulting in a first local service to Wolfforth. Retention of Channel 238C3 in Littlefield triggers priority (4), other public interest matters. Channel 238C1 can be allotted to Wolfforth, Texas, in compliance with the Commission's minimum distance separation requirements at Joint parties' specified site. The coordinates for Channel 238C1 at Wolfforth are 33-33-00 and 102-05-11. In accordance with Section 1.420(i) of the Commission's Rules, we shall modify the license for Station KAIQ to specify operation on Channel 238C1 at Wolfforth, Texas, in lieu of Channel 238C3 at Littlefield, Texas, as its new community of license. The license for Station KFLP, Floydada, Texas, has been modified by a one-step application to specify operation on Channel 291C3 in lieu of Channel 237A, which will accommodate the allotment at Wolfforth. The coordinates for Channel 291C3 at Floydada are 33-58-22 and 101-19-32. To further accommodate the Wolfforth allotment, Station KPER, Channel 239C3, Hobbs, New Mexico, has consented to the relocation of its transmitter site. The coordinates for Station KPER at the new site are 32-41-37 and 103-17-24.

5. In response to Crawford's request for an allotment at Snyder, Texas, we shall allot Channel 235C3 in lieu of Channel 237C3 at Snyder, Texas. The Commission considers channels of the same class to be equivalent unless showings have been made that a station cannot be constructed for reasons such as environmental consequences or hazard to air navigation. No comments were received objecting to the allotment of an alternate channel at Snyder as proposed in the counterproposal filed by Joint Parties, nor did any parties provide evidence that Channel 235C3 is an unusable channel. The coordinates for Channel 235C3 at Snyder are 32-42-25 and 101-05-36. There is a site restriction 17.2 kilometers (10.7 miles) west of the community. This is the same site specified in the *Notice* for the allotment of Channel 237C3 at Snyder.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 23, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Floydada, Texas	291C3
Littlefield, Texas	-----
Snyder, Texas	235C3, 255A, 268C1
Wolfforth, Texas	238C1

7. A filing window for Channel 235C3 at Snyder, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

8. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Littlefield Broadcasting, LLC for Station KAIQ, Channel 238C3, Littlefield, Texas, IS MODIFIED to specify operation on Channel 238C1 at Wolfforth, Texas, subject to the following conditions:

(a) Within 90 days of the effective date of the *Order*, the licensee of Station KAIQ shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility at its currently authorized site;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

9. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, IF THE REQUEST IS GRANTED, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Littlefield Broadcasting, LLC., licensee of Station KAIQ, Channel 238C3, is required to submit a rule making fee in addition to the fee required for the application to effectuate the change in community of license and upgrade for Station KAIQ, from Channel 238C3 to Channel 238C1 and reallocation of the channel from Littlefield, Texas, to Wolfforth, Texas.

10. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

11. For further information concerning this proceeding, contact Kathleen Scheuerle, Media Bureau, (202) 418-2180. Questions relating to the application filing process should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos, Assistant Chief
Audio Division
Media Bureau